

In the  
Indiana Supreme Court



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR BENTON COUNTY )

Case No. 04S00-1107 -MS- 394

ORDER APPROVING AMENDED LOCAL RULE

The judge of the Benton Circuit Court requests the approval of an amended local rule for appointment of special judges in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Benton Circuit Court, this Court finds that the proposed rule amendment, LR04-TR-79(H)-10, complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Benton County Local Rule, LR04-TR-79(H)-10, set forth as an attachment to this Order, is approved effective July 1, 2011, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Rex Kepner, Benton Circuit Court, 706 East Fifth Street, Fowler, IN 47944-1528; to the Clerk of the Benton Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Benton Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 1<sup>st</sup> day of July, 2011.

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Randall T. Shepard  
Chief Justice of Indiana

**TR 04-TR 79(H)-10**

**Procedure for Appointment of Special Judges  
in Civil and Juvenile Proceedings**

In the event a special judge selected under Trial Rule 79, Sections (D) (E) or (F) does not accept the case or a judge disqualifies and recuses under Trial Rule 79(C), then the clerk of the court shall appoint on a rotating basis a special judge from the following list of presiding judges in the respective courts:

Newton Circuit Court  
Newton Superior Court  
Jasper Circuit Court  
Jasper Superior Court  
White Circuit Court  
White Superior Court  
Warren Circuit Court

If the judge selected to serve is disqualified or is excused from service, then clerk of the court shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).